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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,989	09/09/2004	Ryuichi Ishida	XA-10163	2074

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/506,989	Applicant(s) ISHIDA ET AL.	
	Examiner Eric Culbreth	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/17/06 & 9/9/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. In order to ensure proper consideration, the applicant should provide a copy of the foreign reference cited on page 2, lines 23-24 with the next correspondence, as it is not readily available to the examiner.
2. The information disclosure statement filed 9/9/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, only those references of which copies were provided have been considered.

Drawings

3. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

a. In Figure 1A and throughout the specification (i.e., page 8, line 14; page 9, line 5) line "A-A" should be "4A-4A", as a section line should be named for the figure it represents.

b. Reference numeral 4b (Figure 1A, Figure 1B, page 10, line 14, etc.) represents a different part in each figure; a reference character should only refer to one part of the invention.

c. Reference numeral 10 refers to both a plate and a hole (page 10, lines 18 and 23); a reference character should only refer to one part of the invention.

d. Reference numeral 4b refers to both a notch (page 10, lines 14, 23, 27 and the remainder of the specification) and a stand-out portion (page 11, lines 14-15 and the remainder of the specification); a reference character should refer to only one part of the invention.

e. In Figure 1A, reference characters 4a and 11 seem to refer to the same part; a part of the invention should be referred to by only one reference character.

Generally, parts 11 and 11a are not clear from the drawings. For instance, part 11a is

not part of 11 (the lead line for 11 does not touch the part of the invention with portions 11a and 11b in Figure 1A).

f. Generally, from the figures, it is not clear how parts 10, 4a, 4b, 11 and 11a function due to mislabeling and duplication.

g. The invention is generally not understood because of mislabeled parts and inaccurate descriptions.

h. Contrary to description of page 12, lines 10-11 hole 19 is not in the "car".

i. Contrary to page 12, lines 12-13 the ring shaped portion is not in the car body, but in spacer 16.

j. Figure 5 is not clear (i.e., kN of what, and mm of what?).

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spacer latched on the body-side lower bracket (last three lines of claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because line 4 of the abstract refers to "the both brackets" but only one bracket has been previously mentioned. Also, the abstract is an incomplete sentence (in line 4, "meanwhile," should be "meanwhile;"). Correction is required. See MPEP § 608.01(b).
6. The disclosure is objected to because of the following informalities:
 - a. On page 3, line 18, "intends to move" is narrative (it should be "moves").
 - b. On page 4, line 12 "infeasible" should apparently be "not feasible".
 - c. On page 6, line 4 "stationary," should be "stationary;" in order to form a complete sentence.
 - d. On page 6, line 5 "intend to move" should be "move".

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- e. On page 7, line 21 "forwarder" should be "forward" (i.e., "forwarder" is not a word).
- f. On page 10, lines 13-14 it is not clear what "the sheet surface" is (this has not been previously mentioned in the specification).
- g. Page 11, lines 5-6 recite that the plate is disconnected, but do not state what the plate is disconnected from.
- h. Page 11, lines 7-9 appear reversed (body-side bracket 4 does not "move" to the front part of the car in a collision; the steering column moves rearward, not forward).
- i. Regarding page 11, lines 5 and 18 it is not clear what is meant by "the secondary collision" (i.e., secondary to what).
- j. Page 12, line 21 is not clear (i.e., by fastening what).
- k. On page 13, line 2 "forwarder" should be "more forward".
- l. Page 13, lines 16-17 are not accurate (column 1 moves to the rear, not to the front).
- m. On page 13, line 21 and page 16, line 1 "intend to move" should be "move".
- n. On page 15, line 27, "stationary," should be "stationary;" to form a complete sentence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1, lines 6-7, there is no antecedent basis for "the time of collision".
- b. In claim 1, line 7 there is no antecedent basis for "the shock".
- c. In claim 1, line 8 "while" should be deleted in order to form a complete sentence (currently claim 1 is an incomplete sentence).
- d. In claim 1, last line there is no clear antecedent basis for "the surroundings", and it is not clear what the surroundings refer to (i.e., the surroundings thereof of what).
- e. In claim 2, line 3 there is no antecedent basis for "the rear part".
- f. In claim 2, line 4 there is no antecedent basis for "the front part".
- g. In claim 2, line 4 there is no antecedent basis for "the car".
- h. In claim 2, line 11 "is" after "spacer" should be deleted in order to make claim 2 a complete sentence (currently claim 2 is an incomplete sentence).
- i. In claim 2, lines 12-13 there is no antecedent basis for "the main body of said spacer".

j. In claim 3, lines 2-3 there is no clear antecedent basis for "said shock time breaking portion" (the portion at the end of claim 1 has not been referred to with this title before).

k. In claim 3, line 3 "narrow" is indefinite (i.e., narrow relative to what; what defines "narrow" for infringement purposes).

m. In claim 3, line 4 there is no antecedent basis for "the rear side".

n. In claim 3, line 4 there is no antecedent basis for "the car".

o. Also in claim 3, line 4 it is not accurate to state the breaking portion is on the rear side of [a] car, as it actually on the spacer.

p. In claim 3, lines 4-5 ", of a pin insertion hole" is a double inclusion of the pin insertion hole already recited in claim 1.

q. Also, in claim 3, lines 4-5 ", of a pin insertion hole" is not clear because it is a dangling phrase (i.e., claim 3 is not grammatically correct).

r. In claim 4 there is no antecedent basis for "said narrow breaking portion" in lines 2-3, as the narrow breaking portion was recited in claim 3, and claim 4 depends from claim 1.

s. Also in claim 4, line 3 "narrow" is indefinite (narrow relative to what).

t. In claim 4, line 3 there is no antecedent basis for "the forwarder part".

u. In claim 4, line 3, "forwarder" is not a word. Also, claim 4, line 3 is not accurate because the breaking portion is more to the rear of the car than the pin insertion hole center.

v. In claim 4, line 4, there is no antecedent basis for "the car".

- w. Regarding claim 6, it is not clear what part of the invention is the plastic deformation member for absorbing energy.
- x. In claim 6, line 4 it is not clear what is meant by a "secondary" collision.
- y. In claim 6, last line there is no antecedent basis for "the car body".
- z. In fact, at the end of claim 6 it would not appear to be accurate to recite a deformation member between the body-side bracket and car body.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 and 3-6 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Jurik et al US005979860A.

Jurik et al discloses a spacer 28 formed of plastic members 38, 40 forming members 28 interposed between body side bracket 14 and column side bracket 20 that as functionally recited absorbs a shock during collision by the breaking of portions 32, 36 in the surrounding portion of pin 16 (claims 1 and 5). Portions 32, 36 are narrow as indefinitely recited with a portion on the rear side of the pin insertion hole center and a portion forward of the pin insertion hole center (claims 3-4). Claim 6 is so indefinite that Jurik et al appears to meet the positive limitations of the claim.

Allowable Subject Matter

11. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riefe et al shows a bendable portion at 61. Japanese Patents 2002-59853 and 11-129915 were cited in the international search report.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth
Primary Examiner
Art Unit 3616



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